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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,570	07/16/2001	Gunter Jokschas	178/50178	2329

23911 7590 11/04/2002

CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON, DC 20044-4300

EXAMINER

SAVAGE, MATTHEW O

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

- Office Action Summary	Applicant(s) mk-6	
	09/904,570 JOKSCHAS, GUENTER	
	Examiner Matthew O Savage	Art Unit 1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
 If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> . | 6) <input type="checkbox"/> Other: _____ |

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The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to adequately disclose the recited means for arresting the actuator.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bolser.

With respect to claim 1, Bolser discloses a filter housing including a filter head 28, a housing enclosure C, an inlet 30 and an outlet 26 arranged on the filter housing, a chamber (e.g., adjacent the bottom end of part C), an outlet (e.g., the opening in the bottom of container C), a cylindrical filter element F installed in the filter housing such that an unfiltered side of the filter which communicates with the inlet 30 is sealingly separated from a filtered side of the filter which communicates with the outlet 26, a discharge valve 80 at the outlet with an actuator 36 for opening the discharge valve

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from the outside of the filter, the actuator being connected to the filter head and the outlet.

As to claim 3, Bolser discloses the actuator 36 as extending through the filter interior formed by the cylindrical element.

Concerning claim 4, Bolser discloses axial displacement of the actuator 36 as opening the outlet.

As to claim 7, Bolser discloses means 82 for arresting the actuator to prevent unintended opening of the discharge valve.

Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Hall.

With respect to claim 1, Hall discloses a filter housing including a filter head 46, a housing enclosure 26, an inlet 22 and an outlet 32 arranged on the filter housing, a chamber (e.g., adjacent the bottom end of part 26), an outlet 52, a cylindrical filter element 36 installed in the filter housing such that an unfiltered side of the filter which communicates with the inlet 22 is sealingly separated from a filtered side of the filter which communicates with the outlet 32, a discharge valve 40 at the outlet with an actuator 48 for opening the discharge valve from the outside of the filter, the actuator being connected to the filter head and the outlet.

Regarding claim 2, Hall discloses a water sensor 86 arranged on the filter housing.

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As to claim 3, Hall discloses the actuator 42 as extending through the filter interior formed by the cylindrical element.

Concerning claim 4, Hall discloses axial displacement of the actuator 42 as opening the outlet.

As to claim 7, Hall discloses means 48 for arresting the actuator to prevent unintended opening of the discharge valve.

Concerning claim 8, Hall discloses the water sensor as being connected to a control unit 48 that is connected to a drive unit for the actuator such that the actuator is actuated and the discharge valve opened automatically to release water from the filter housing when the water sensor senses that a predetermined amount of water has accumulated in the water accumulation chamber.

Claims 1 and 4-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ernst et al.

With respect to claim 1, Ernst et al disclose a filter housing (see FIG. 2) including a filter head 12, a housing enclosure 10, an inlet 23 and an outlet (not shown) arranged on the filter housing, a chamber (e.g., adjacent the bottom end of part 10), an outlet 17, a cylindrical filter element 11 installed in the filter housing such that an unfiltered side of the filter which communicates with the inlet is sealingly separated from a filtered side of the filter which communicates with the outlet, a discharge valve 25 at the outlet with an actuator 12, 20 for opening the discharge valve from the outside of the filter, the actuator being connected to the filter head and the outlet.

Concerning claim 4, Ernst et al disclose axial displacement of the actuator 20 as opening the outlet.

As to claim 5, Ernst et al disclose the outlet as being opened by pulling on the actuator 20.

Regarding claim 6, Ernst et al disclose a drive unit 12 for moving the actuator.

As to claim 7, Ernst discloses means 12 for arresting the actuator to prevent unintended opening of the discharge valve.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Claim 1 would be allowable if amended to include the limitations of the end fitting 35 defining the outlet port and being slidably disposed within an outlet opening of the filter head, a connection 31 between the upper end of the actuator 29 and the lower end fitting 35 such that axial motion of the end fitting causes axial motion of the actuator, and a connection between an upper end of the valve 28 and the lower end of the actuator 29, wherein axial motion of the actuator causes movement of the valve 28 from the discharge opening 16 thereby permitting water to be drained from the water accumulation chamber.

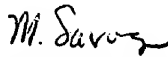
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Applicant's claim for foreign priority under 35 U.S.C. 119 to German Patent Application 100 34 488.7 cannot be granted since the instant U.S. Application had been filed more than one year after the filing of the German application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew O Savage whose telephone number is 703-308-3854. The examiner can normally be reached on Monday-Friday, 6:00am-2:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda W. Walker can be reached on 703-308-0457. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.


Matthew O Savage
Primary Examiner
Art Unit 1723

mos
November 1, 2002